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White House council refereeing Rosemont Mine debate

http://azstarnet.com/news/local/govt-and-politics/white-house-council-refereeing-rosemont-mine-debate/article_05ad08be-c96f-5231-a55f-962e9e51a9b5.html

A White House advisory body is now informally involved in the contentious Rosemont Copper Mine dispute.

The White House's Council on Environmental Quality is, in a sense, acting as a referee among various federal agencies that have taken different positions on the mine, Coronado National Forest Supervisor **Jim Upchurch** said.

A council spokeswoman confirmed later that the "CEQ has brought agencies together to coordinate with one another on their environmental reviews on this issue."

If agencies can't agree on the mine issue, it's possible one could refer the dispute to the council for more detailed action. Upchurch declined to speculate on that possibility.

Upchurch's comments Monday came at a news conference to discuss his draft decision that would, if ratified, approve the "barrel alternative" — the proposal will leave untouched neighboring McCleary Canyon, which the service said is more ecologically valuable — as the layout for the proposed \$1.2 billion mine in the Santa Rita Mountains southeast of Tucson. That decision was released Friday.

He said the discussions involving the council deal with mitigation of water quality and water quantity concerns, and could include air quality matters.

"As part of its facilitating role, the Council on Environmental Quality frequently brings agencies together to provide a forum for them coordinate on their environmental reviews and discuss any outstanding issues," council spokeswoman Taryn Tuss in Washington, D.C., said Tuesday in an email.

"However, agencies are responsible for their own implementation of the National Environmental Policy Act, and CEQ does not tell agencies how to conduct (such) reviews," added Tuss, the council's associate communications director.

Upchurch's statement comes amid a lengthy debate among federal agencies about the mine's potential impact on a creek in Davidson Canyon and Cienega Creek. They're both legally protected by the state as "outstanding waters."

The Environmental Protection Agency and the Bureau of Land Management have expressed big concerns that groundwater pumped out of the mine site for creation of the Rosemont open pit could reduce flows or even dry up sections of the two creeks and their tributaries. Of particular concern has been the creeks, including Cienega, in BLM's Las Cienegas National Conservation Area that lies across Arizona 83 from the mine site.

The Forest Service, using predictions from three computer models, had been much less pessimistic about such impacts. But in its Nov. 29 final Rosemont environmental impact statement, the service

gave other agencies' concerns more credence than before, and acknowledged large uncertainties about impacts.

For Upper Cienega Creek in Las Cienegas, for instance, the final environmental report wrote that the least possible groundwater decline under the creek over 150 years is .15 feet if water loss from tributary Empire Gulch is taken into account. The most is .53 feet.

The .15 feet decline translates into an increase of annual days of dry or extreme low-flow conditions from four days today to 88 days in 150 years. The .53 feet decline translates into up to 352 days annually of dry or extreme low-flows in the creek, the environmental report said.

Upchurch said that overall, "We've made great progress in figuring out the effects." That's even since Nov. 7, when EPA wrote a pointed letter to the U.S. Army Corps of Engineers urging the Corps to reject a separate permit for the mine based partly on its effects on Davidson and Cienega, Upchurch said.

"We've been working directly with EPA on that, and the outstanding issues are now more towards mitigation that needs to be done," Upchurch said. "I've told you there's going to be an effect. That's really not up for debate."

Twice in two days the EPA declined to comment on the Rosemont issue.

A top BLM official at the news conference, however, agreed that his agency and the Forest Service have made "a lot of progress" toward meeting the bureau's concerns, expressed in formal comments on an earlier version of the environmental impact statement and in an Oct. 29 letter to the service.

The bureau had originally threatened to write a dissenting view to accompany the final environmental impact statement. But it later acknowledged that the Forest Service review process doesn't allow that.

"I think right now we are in a pretty good position with the Forest Service," said **Tim Shannon**, manager of BLM's Gila District office in Tucson. "The resource specialists at BLM are pretty happy with how the mitigation and monitoring discussions are going. They have addressed quite a few of our earlier concerns."

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